

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15222 of Salvacion C. Duke, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish a temporary parking lot in an R-5-A District at premises 3707 10th Street, N.E., (Square 3883, Lot 5).

HEARING DATE: February 14, 1990  
DECISION DATE: March 7, 1990

**FINDINGS OF FACT:**

1. The property which is the subject of this application is known as 3707 10th Street, N.E. It is located in the Brookland neighborhood of Ward 5 and it is zoned R-5-A.

2. The boundaries of the site are 10th Street and Michigan Avenue to the west, Otis Street to the south, Perry Street to the north and 12th Street to the east. The property is presently a vacant lot covered with grass. It is rectangular in shape and measures 150 feet deep and 53.35 feet in width, totalling approximately 8,003 square feet in land area. The lot is bounded on three sides by apartment buildings. There is no alley adjoining the subject site. The Brookland-CUA Metrorail station is in close proximity, about one block southwest of the site.

3. The applicant is seeking special exception relief to use the property as a temporary parking lot with 25-30 parking spaces for compact or small cars. The applicant proposes to improve the lot with electric lights and a gate. Lighting would be mid-way on the lot and at one end of the lot. The gate would be installed along the 10th Street frontage. The applicant also proposes to pave the lot for this temporary use. The lot would operate during daylight hours only, and an attendant would be hired.

4. The R-5-A District in which the property is located permits matter-of-right single-family detached and semi-detached dwellings and, with the approval of the Board of Zoning Adjustment, low density development of general residential uses including row houses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of three-stories/40 feet.

5. For the subject application, the provisions of 11 DCMR 214 must be met. Section 214 provides as follows:

**214 PARKING LOTS (R-1)**

**214.1** Use as a parking lot shall be permitted in an R-1 District if approved by the Board of

Zoning Adjustment in accordance with the conditions specified in sub-section 3108 of chapter 31 of this title, subject to the provisions of this section.

- 214.2 A parking lot shall be located in its entirety within two hundred feet (200') of an existing Commercial or Industrial District.
- 214.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial district.
- 214.4 All provisions of chapter 23 of this title shall be complied with.
- 214.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.
- 214.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction to overspill parking on neighborhood streets.
- 214.7 A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity.
- 214.8 Before taking final action on an application for use as a parking lot, the Board shall have submitted the application to the D.C. Department of Public Works for review and report.

6. Section 3108 authorizes the Board to grant a special exception for a parking lot where such use is in harmony with the general purpose and intent of the Zoning Regulations and where the use will not adversely affect the use of neighboring property.

7. Addressing the requirements of Section 214, the Board finds that no evidence was presented regarding the exact distance of the lot from the Commercial district (Sub-section 214.2). The lot is, however, located contiguous to a C-M-1 district (Sub-section 214.2).

8. As to the provisions of Chapter 23, the applicant testified that the lot will be covered with gravel or asphalt and bumper stops will be used. No testimony was presented in relation to the other relevant provisions of chapter 23 (Sub-section 214.4).

9. Extensive testimony was presented by parties indicating that the parking lot will create dangerous or otherwise objectionable traffic conditions and that the present character and future development of the neighborhood will be adversely affected. (Sub-section 214.5)

10. The applicant testified that the parking lot may be used by commuters from the District of Columbia or Maryland who use the Metro located across the street. (Sub-section 214.6) No evidence was presented to indicate that the majority of the parking spaces would serve residential uses or short term parking needs of retail, service or public facility uses in the vicinity. (Sub-section 214.7)

11. By report dated February 7, 1990, the Office of Planning (OP), recommended denial of the application. OP pointed out that the applicant intends to use the lot for 25 cars, and if permitted, that number would expand to 30 cars. The applicant does not indicate how long she desires to use the land as a temporary parking lot. The owner intends to operate the lot during daylight hours only, from 7:00 A.M. to 6:00 P.M.

OP further stated that the Zoning Regulations require standard automobile parking spaces to be a minimum of 9 feet in width and 19 feet in length. Compact parking spaces must be at least 8 feet in width and 16 feet in length. These spaces shall be visibly marked "compact car" or "small car" and be placed in groups of five contiguous spaces with access from the same aisle. Further, any parking area containing 25 or more spaces may designate up to 40 percent of the area for compact cars. To use the entire lot for small cars would not be in conformance with the Zoning Regulations.

Responding to this statement, the applicant stated that she would allow larger cars to park on the lot to maintain compliance with the Zoning Regulations.

OP stated that the Zoning Regulations require parking lots to be paved with an impervious surface and screened from all contiguous residential properties. The screening must consist of a solid brick or stone wall at least 12 inches thick and 42 inches in height. In the alternative, the screening may consist of thickly planted evergreen hedges or trees 42 inches in height.

OP noted that there is no internal alley within the square that would serve the proposed parking lot. The site has a curb cut about nine feet wide on the 10th Street frontage and there is a curb cut at the southwest corner of the site.

The application does not clearly delineate the ingresses and egress points or the necessary curb cuts, however, the apparent ingress and egress point crosses over the 10th Street pedestrian

right-of-way.

It is anticipated that most vehicular activity would occur during the early morning and evening peak commuter periods. Should the property be used for parking, the additional traffic would encroach upon 10th Street, a residential street. This traffic would most likely come from the commercial corridor of 12th Street, one block east of the site and from overflow parking for persons using the Brookland Metrorail Station. OP is concerned that the increase in the noise and exhaust fumes from the additional cars will directly impact on the two residential properties adjoining the lot.

OP is concerned that an undetermined amount of stormwater runoff will come from the impervious parking lot surface and directly impact the adjoining properties.

Finally, OP pointed out that the site layout does little to promote aesthetic qualities of the nearby dwellings, and that the property would be more appropriately used for residential purposes.

The Office of Planning believes that the subject application would adversely affect the neighboring residential properties and that it is not in harmony with the general purpose and intent of the Zoning Regulations and Maps.

12. Advisory Neighborhood Commission (ANC) 5A did not submit a written statement of issues and concerns, nor did a representative testify at the hearing on the ANC's behalf.

13. By letter dated Desember 11, 1989, the Fire Department stated that it has no objection to the subject application.

14. By memorandum dated February 7, 1990, the Department of Public Works (DPW) stated that the entrance to the site is across from the northernmost access to the Brookland Metro Station. The northernmost access point is one of three access locations to the Brookland Metro Station along 10th Street that are used by buses and vehicles. The other two access/egress points to the Brookland/CUA Metro Station are located at the intersection of Otis and 10th Streets and at the southernmost curb cut along 10th Street. The Brookland Metro Station provides metrorail and bus services, a kiss-&-ride facility, and short term metered parking spaces for 27 vehicles. Parking is permitted Monday through Friday from 10:00 A.M. to 3:00 P.M., from 7:00 P.M. to 2:00 A.M., and all day on weekends and holidays.

Based on DPW's analysis, the total number of peak bus trips along 10th Street is 153 for A.M. peak hours and 136 for P.M. peak hours. Since 10th Street is already heavily used by Metrobuses entering the Brookland/CUA Metro Station, an additional 25-30

vehicles that are anticipated to use the proposed parking lot would further impact the adjacent residential area. Therefore, DPW objects to the proposed request.

15. Six neighbors, who live in close proximity to the subject lot, testified in opposition to the application. They were concerned with the negative impact that the proposed parking lot will have on the use of their properties and on the neighborhood in general. The following issues were raised by these neighbors:

- a. The proposed lot will increase traffic congestion and possibly the number of accidents because of the heavy pedestrian traffic and the large number of buses traveling in the area.
- b. The noise level in the area will increase greatly because of the additional cars.
- c. The lot will attract loiterers and possibly criminal activity as well.
- d. A parking lot on the site will detract from the residential character of the area by eliminating a pleasant green space where children can play within the view of their parents.

The neighbors testified that they would like to see the lot remain as it is or developed with affordable housing.

16. An attorney representing members of the Bunker Hill Tenants Association, residents of 1005 and 1007 Bunker Hill Road, N.E., testified on behalf of the association. He stated that those who belong to the tenants association recently purchased their apartment buildings with great personal and financial sacrifice. Because of their investment the tenants would like to see the area maintain its residential qualities. He pointed out that there are a lot of women and senior citizens in the area and that the tenants wish to keep the area safe from loitering and criminal activity. The representative also pointed out that parking lots can generate a great deal of litter from the cars that park there because people empty their ash trays and clean out their cars on the lot. The tenants association would like to maintain a clean living environment.

Finally, the Tenants Association endorses the view of the Office of Planning and requests that the application be denied.

17. No person appeared at the hearing in support of the application.

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18. Five letters in opposition to the application were submitted into the record. Also, a petition containing 70 signatures was submitted in opposition to the proposed parking lot. There were no letters of support.

**CONCLUSIONS OF LAW AND OPINION:**


Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish a temporary parking lot in an R-5-A District. The granting of such a special exception requires a showing of substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 214 regulating parking lots.

The Board concludes that granting the special exception will not be in harmony with the general purpose and intent of the Zoning Regulations and the use of neighboring property will be adversely affected. Accordingly, it is hereby **ORDERED** that the application is **DENIED**.

VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh and Charles R. Norris to deny; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

SEP 23 1991

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION/APEAL NO. 15222

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated SEP 23 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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A handwritten signature in black ink, appearing to read "Ed Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: SEP 23 1991